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extended division into sections of the classes. Property I, Property II, Torts, Contracts, Bills and Notes, and Evidence are divided into two sections; Pleading into three; and Criminal Law, as last year, into four.

THE DREYFUS CASE. — Alfred Dreyfus, a Jew, captain of the French artillery, in December, 1894, was convicted of a charge of treason by a court-martial, proceedings of which were not made public. Subsequently it has appeared that the conviction was largely based on the belief that Dreyfus was the author of the "*bordereau*," a document extracted from a waste-basket of a foreign embassy supposed to be in his handwriting. It announced the transmission of military information to the foreign government, is agreed to be authentic, and is clearly treasonable. It is understood that certain other documentary evidence — to be noted later — reinforced the belief in his guilt.

In January, 1898, the Dreyfusites brought to public trial Commandant Esterhazy — this again a military court-martial — on a charge of having written the "*bordereau*." One of the main points of the Dreyfusites was the similarity of Esterhazy's handwriting to that of the "*bordereau*." The theory of the defence was that it was written by Dreyfus, but that in attempting to avert suspicion he had imitated Esterhazy's hand — a curious inconsistency in the light of the line of proof which brought about the conviction of Dreyfus, for the "*bordereau*" was then, it seems, supposed to have been written by Dreyfus in his own hand. The court refused to allow the prosecution to give evidence or to make any reference to the Dreyfus trial to contradict that verdict, declaring it *chose jugée*. Naturally Esterhazy was acquitted. The conduct of the trial showed pretty clearly that the result was rendered under order, and the only point scored by the Dreyfusites was in showing — conclusively — that Esterhazy was a thorough-going rascal.

In 1898 Emile Zola received three trials and a final conviction in an action for libel for impeaching the justice of the Esterhazy court-martial. See 11 HARVARD LAW REVIEW, 539. These trials were important largely in that they brought to light certain portions of the evidence on which Dreyfus was originally convicted — and the thinness of it.

By this time the aspect of affairs had greatly changed. Through the efforts of one Colonel Picquart and the Dreyfusites it became clear that it was strongly probable that a certain amount of the evidence against Dreyfus had been manufactured to reinforce the original verdict, and again that this was done with the cognizance of some members of the general staff of the French army. In August, 1898, Colonel Henry, an ardent anti-Dreyfusite, and, through his official position as chief of the Secret Service Bureau succeeding Picquart, most prominent in the series of trials, committed suicide after arrest; but before his death confessed to having forged certain proof of Dreyfus's guilt, a document purporting to come from a foreign government referring to their connection with Dreyfus. The document had been used, though not shown, in the first Zola trial.

Not until after this did Dreyfus obtain a retrial. In the present year, at the petition of the Minister of Justice the Court of Cassation, the supreme court of criminal appeal in France, because of the presentation of new evidence reopened the Dreyfus case and finally decided on a new court-martial. (For a short description of the powers of the court of

Cassation see Mr. Richard Hale's "The Dreyfus Story," page 23). The work of the Court of Cassation was not a retrial, but practically an examination of the Dreyfus side of the case—its process was largely secret. It is to be noted that in neither English nor American law is there a like provision for the reopening of a criminal case after verdict because of new evidence. Texas seems the sole exception—there a court of criminal appeal may review the facts after verdict. The retrial of Dreyfus began on August 8, 1899, and continued until September 8th. The trial—save four days which were occupied with the examination of documents—was public. The evidence, as far as we know it, given at that trial sums up—to the ordinary reader—something thus: there had been a leakage in the offices of the general staff by which important military information had gone to foreign nations. It seems Dreyfus was rather a prying busybody, not a very efficient officer. There appeared no direct evidence connecting Dreyfus with any treasonable practice. Certain methods of French procedure at that trial—as in the whole series of trials—seem to the Anglo-Saxon absurdities. The witnesses told their stories, ideas and beliefs, and lugged in extraneous matter as they pleased. There was no efficient cross-examination allowed; hearsay from unreliable sources, mere gossip, was constantly reported that no English or American court—even military—would receive; the depositions of foreign attachés who presumably had knowledge of the affair were refused, perhaps on sound political reasons; a great part of the testimony was devoted to besmirching Dreyfus's personal character; the generals of the army consistently bullied the minor officers who sat as judges; and more than all these, there was, as there had been in all the trials, a constant dwarfing of the prisoner's right to a full hearing when it came, or seemed to come, in conflict with the political interests of the country and the French army. That is, for us, the amazing aspect of the case. That the rights of the individual must yield before the necessities of state is a fundamental proposition of the French law, on it the sole system of so-called "administration" law of continental countries rests. Perhaps we Anglo-Saxons cannot understand that principle or the extent to which it should be carried, but it seems impossible to get away from the conclusion that it was flagrantly misused to convict a man against whom there were insufficient proofs. Under such conditions Dreyfus was found guilty of treason with extenuating circumstances, to be immediately pardoned by President Loubet.

A DEVELOPMENT OF THE JAMESON RAID.—To those who recall the Transvaal raid of 1895 simply as a premature expression of a political ambition which to-day is concentrating the whole power of England upon the South African Republic, it is well to point out the startling liabilities of the Hon. Cecil Rhodes, if the rest of Jameson's men follow the example set in the recent case of *Burrows v. Rhodes and Jameson*, 80 L. T. Rep. 591.

A trooper sued the instigators of the raid for damages sustained on that expedition. The fraudulent misrepresentation that they were to protect the lives of English citizens under the sanction of Her Majesty, it was claimed, had caused the plaintiff in good faith to "render himself liable to severe punishment for violating the laws of England." On demurrer it was argued for the defendant that the court should refuse its aid since the declaration disclosed the plaintiff's own criminality in violating the